



Reprinted  
January 16, 2002

## SENATE BILL No. 138

DIGEST OF SB 138 (Updated January 15, 2002 2:53 PM - DI 104)

**Citations Affected:** IC 16-18; IC 16-21; IC 16-34.5; IC 25-22.5; IC 35-46.

**Synopsis:** Human cloning. Declares that cloning is against public policy. Prohibits the state and a political subdivision of the state from using public funds, facilities, or employees to knowingly participate in cloning activities. Requires the state department of health to revoke the license of a hospital that knowingly allows: (1) the hospital's facilities to be used for cloning or attempted cloning; or (2) the hospital's employees, in the course of the employee's employment, to participate in cloning or attempted cloning. Requires the medical licensing board to revoke the license of a physician who knowingly participates in human cloning. Makes the following activities a Class D felony: (1) Participating in cloning. (2) Implanting or attempting to implant the product of human cloning into a uterine environment to initiate a pregnancy. (3) Shipping or receiving the product of human cloning for the purpose of implanting the product into a uterine environment to initiate a pregnancy. Makes the knowing or intentional purchase or sale of a human ovum, zygote, embryo, or fetus a Class C felony.

**Effective:** Upon passage.

**Miller, Craycraft, Wyss,  
Young R Michael, Ford, Zakas**

January 7, 2002, read first time and referred to Committee on Health and Provider Services.  
January 10, 2002, amended, reported favorably — Do Pass.  
January 15, 2002, read second time, amended, ordered engrossed.

SB 138—LS 6618/DI 98+



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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 138

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-18-2-56.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE UPON PASSAGE]: **Sec. 56.5. (a) "Cloning" means the**
- 4 **use of asexual reproduction to create or grow a human embryo**
- 5 **from a single cell or cells of a genetically identical human.**
- 6 **(b) The term does not include a treatment or procedure to**
- 7 **enhance human reproductive capability through the manipulation**
- 8 **of human oocytes or embryos, including the following:**
- 9 **(1) In vitro fertilization.**
- 10 **(2) Gamete intrafallopian transfer.**
- 11 **(3) Zygote intrafallopian transfer.**
- 12 SECTION 2. IC 16-18-2-183.5 IS ADDED TO THE INDIANA
- 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE UPON PASSAGE]: **Sec. 183.5. "Human embryo"**
- 15 **means a human egg cell with a full genetic composition capable of**
- 16 **differentiating and maturing into a complete human being.**
- 17 SECTION 3. IC 16-21-3-4 IS ADDED TO THE INDIANA CODE

SB 138—LS 6618/DI 98+



AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. Notwithstanding section 1 of this chapter, the state department shall revoke the license of a hospital licensed under this article if the state health commissioner proves by a preponderance of the evidence that the hospital:**

**(1) knowingly allows the hospital's facilities to be used for cloning or attempted cloning; or**

**(2) knowingly allows the hospital's employees, in the course of the employee's employment, to participate in cloning or attempted cloning.**

SECTION 4. IC 16-34.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

#### **ARTICLE 34.5. CLONING**

##### **Chapter 1. Public Policy Against Cloning**

**Sec. 1. The general assembly declares that cloning is against public policy.**

**Sec. 2. Neither the state nor any political subdivision of the state may use public funds, facilities, or employees to knowingly participate in cloning or attempted cloning.**

SECTION 5. IC 25-22.5-8-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.**

**(b) Notwithstanding IC 25-1-9, the board shall revoke the license of a physician if, after appropriate notice and an opportunity for a hearing, the attorney general proves by a preponderance of the evidence that the physician knowingly participates in cloning or attempted cloning.**

SECTION 6. IC 35-46-5-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.**

**(b) A person who knowingly or intentionally:**

**(1) participates in cloning;**

**(2) implants or attempts to implant the product of human cloning into a uterine environment to initiate a pregnancy; or**

**(3) ships or receives the product of human cloning for the purpose of implanting the product into a uterine environment to initiate a pregnancy;**

**commits unlawful participation in human cloning, a Class D felony.**

SECTION 7. IC 35-46-5-3 IS ADDED TO THE INDIANA CODE



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1 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: **Sec. 3. A person who knowingly or intentionally**  
3 **purchases or sells a human ovum, zygote, embryo, or fetus commits**  
4 **unlawful transfer of human organisms, a class C felony.**  
5 SECTION 8. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Craycraft be added as second author of Senate Bill 138.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 138, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 9, after "to" insert "**knowingly**".  
Page 2, line 10, delete "or support;".  
Page 2, delete line 11.  
Page 2, run in lines 10 and 12.  
Page 2, line 21, after "to" insert "**knowingly**".  
Page 2, line 21, after "in" delete "or".  
Page 2, delete lines 22 through 24.  
Page 2, run in lines 21 and 25.  
Page 2, line 33, after "physician" insert "**knowingly**".  
Page 2, line 33, delete "or".  
Page 2, delete lines 34 through 36.  
Page 2, run in lines 33 and 37.  
Page 3, line 7, delete "Class C" and insert "**Class D**".

and when so amended that said bill do pass.

(Reference is to SB 138 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 2.

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SENATE MOTION

Mr. President: I move that Senator Wyss be added as coauthor of Senate Bill 138.

MILLER

SENATE MOTION

Mr. President: I move that Senators Young R Michael, Wyss and Ford be added as coauthors of Senate Bill 138.

MILLER

SENATE MOTION

Mr. President: I move that Senator Zakas be added as coauthor of Senate Bill 138.

MILLER

SENATE MOTION

Mr. President: I move that Senate Bill 138 be amended to read as follows:

Page 2, line 6, delete "participates in research regarding;" and insert **"knowingly allows the hospital's facilities to be used for cloning or attempted cloning;"**.

Page 2, line 7, delete "allows the hospital's:" and insert **"knowingly allows the hospital's employees, in the course of the employee's employment, to participate in cloning or attempted cloning."**

Page 2, delete lines 8 through 10.

(Reference is to SB 138 as printed January 11, 2002.)

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